

By: González of El Paso

H.B. No. 2938

A BILL TO BE ENTITLED

AN ACT

1
2 relating to attendant care services under Medicaid and other
3 programs administered by the Health and Human Services Commission,
4 including establishing a minimum base wage for certain personal
5 attendants providing those services and allowing family members to
6 provide those services.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter C, Chapter 546, Government Code, as
9 effective April 1, 2025, is amended by adding Section 546.0107 to
10 read as follows:

11 Sec. 546.0107. FAMILY MEMBERS AS PERSONAL ATTENDANTS. (a)
12 In this section, "personal attendant" and "attendant care services"
13 have the meanings assigned by Section 546.0751.

14 (b) This section applies only with respect to the following
15 programs administered by the commission:

16 (1) Medicaid, including a waiver or other program
17 established under:

18 (A) Section 1115 of the Social Security Act (42
19 U.S.C. Section 1315);

20 (B) Section 1915(b), (c), or (k) of the Social
21 Security Act (42 U.S.C. Section 1396n(b), (c), or (k)); or

22 (C) Section 1929 of the Social Security Act (42
23 U.S.C. Section 1396t); and

24 (2) a program authorized under Subtitle A, Title XX,

1 of the Social Security Act (42 U.S.C. Section 1397 et seq.).

2 (c) To the extent permitted by federal law, a personal
3 attendant who provides attendant care services to a consumer may be
4 a family member of the consumer, including the consumer's parent or
5 spouse.

6 SECTION 2. Chapter 546, Government Code, as effective April
7 1, 2025, is amended by adding Subchapter P to read as follows:

8 SUBCHAPTER P. PERSONAL ATTENDANT SERVICES

9 Sec. 546.0751. DEFINITIONS. In this subchapter:

10 (1) "Attendant care services" means nonmedical
11 services that enable an individual to engage in the activities of
12 daily living or to perform the physical functions required for
13 independent living, including:

14 (A) bathing, dressing, grooming, feeding,
15 exercising, toileting, positioning, routine hair and skin care, and
16 other personal care services;

17 (B) transfer or ambulation, transportation, and
18 other mobility support services;

19 (C) light housekeeping, grocery shopping, meal
20 preparation, laundry, and other household assistance;

21 (D) assisting with self-administered
22 medications;

23 (E) monitoring health-related needs and other
24 health management needs; and

25 (F) in-home respite services.

26 (2) "Personal attendant" means an individual who is
27 engaged as an employee or subcontractor to directly provide

1 attendant care services to an individual eligible to receive those
2 services under a program administered by the commission.

3 Sec. 546.0752. MINIMUM BASE WAGE FOR PERSONAL ATTENDANTS.

4 (a) This section applies only with respect to the following
5 programs administered by the commission:

6 (1) Medicaid, including a waiver or other program
7 established under:

8 (A) Section 1115 of the Social Security Act (42
9 U.S.C. Section 1315);

10 (B) Section 1915(b), (c), or (k) of the Social
11 Security Act (42 U.S.C. Section 1396n(b), (c), or (k)); or

12 (C) Section 1929 of the Social Security Act (42
13 U.S.C. Section 1396t); and

14 (2) a program authorized under Subtitle A, Title XX,
15 of the Social Security Act (42 U.S.C. Section 1397 et seq.).

16 (b) Notwithstanding Section 62.051 or 62.151, Labor Code,
17 or any other law, a personal attendant providing attendant care
18 services under a program to which this section applies must be paid
19 a base wage that is not less than the greater of:

20 (1) \$20 an hour; or

21 (2) the federal minimum wage under Section 6, Fair
22 Labor Standards Act of 1938 (29 U.S.C. Section 206).

23 Sec. 546.0753. RULES. The executive commissioner shall
24 adopt rules necessary to implement this subchapter.

25 SECTION 3. Section 546.0752, Government Code, as added by
26 this Act, applies beginning with the 2026 calendar year.

27 SECTION 4. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a
2 federal agency is necessary for implementation of that provision,
3 the agency affected by the provision shall request the waiver or
4 authorization and may delay implementing that provision until the
5 waiver or authorization is granted.

6 SECTION 5. This Act takes effect September 1, 2025.